REMARKS

Claims 1, 3, 4, 6, 7, 15, 16, 18, 20, 21, 23, 25, and 32-39 are pending. With entry of this amendment, claims 1, 15, 16, 32-36, and 38 have been amended and claims 3, 4, 6, 7, 18, 20, 21, 23, 25, 37, and 39 have been canceled. Claim 1 has been amended to recite that the cell is a skin cell. Support for this amendment can be found in originally filed claim 4. Claims 1, 15, 16, 32-36, and 38 have been amended to clarify the subject matter of the claims. No new matter has been added by these amendments.

Thus, claims 1, 15, 16, 32-36, and 38 are pending and at issue.

Restriction Requirement

The Examiner has required restriction between the following 22 Invention Groups:

Group I, claim(s) 1, 4, 6-7 and 15-16, drawn to a method for identifying an agent capable of modulating expression of CYP2S1 using a cell comprising a CYP2S1 gene under the control of a regulatory sequence comprising at least of an XRE-like sequence, an AP-1 like sequence or a RARE-like sequence;

Group II claim(s) 1, 3-4 and 6, drawn to a method for identifying an agent capable of modulating expression of CYP2S1 using a cell comprising a reporter gene under the control of a regulatory sequence comprising at least of an XRE-like sequence, an AP-1 like sequence or a RARE-like sequence;

Group III, claim(s) 18, 20-21 and 23, drawn to a vector comprising a polynucleotide capable of encoding CYP2S1 under transcriptional and/or translation control of the regulatory sequence shown in Figure 7, host cell comprising said vector and a method of producing CYP2S 1;

Group IV, claim(s) 18 and 20, drawn to a vector comprising a polynucleotide capable of encoding a reporter protein under transcriptional and/or translation control of the regulatory sequence shown in Figure 7 and a host cell comprising said vector;

Group V, claim(s) 25, drawn to a composition comprising CYP2S1;

Group VI, claim(s) 32, drawn to a method of preventing in a subject a skin condition by administering the subject a CYP2S1;

Group VII, claim(s) 32, drawn to a method of treating in a subject a skin condition by administering the subject a CYP2S1;

Group VIII, claim(s) 32, drawn to a method of ameliorating in a subject a skin condition by administering the subject a CYP2S1;

Group IX, claim(s) 32, drawn to a method of preventing in a subject a skin condition by administering the subject a vector expressing CYP2S1;

Group X claim(s) 32, drawn to a method of treating in a subject a skin condition by administering the subject a vector expressing CYP2S1;

Group XI, claim(s) 32, drawn to a method of ameliorating in a subject a skin condition by administering the subject a vector expressing CYP2S1;

Group XII, claim(s) 32, drawn to a method of preventing in a subject a skin condition by administering the subject an agent capable of modulating expression of CYP2S1;

Group XIII, claim(s) 32, drawn to a method of treating in a subject a skin condition by administering the subject an agent capable of modulating expression of CYP2S1;

Group XIV, claim(s) 32, drawn to a method of ameliorating in a subject a skin condition by administering the subject an agent capable of modulating expression of CYP2S1;

Group XV, claim(s) 33, drawn to a method of diagnosing a skin condition by detecting a level of CYP2S1;

Group XVI, claim(s) 33, drawn to a method of diagnosing a predisposition to a skin condition by detecting a level of CYP2S1;

Group XVII, claim(s) 34, drawn to a method of diagnosing a skin condition by detecting expression of CYP2S1;

Group XVIII, claim(s) 34, drawn to a method of diagnosing a predisposition to a skin condition by detecting expression of CYP2S1;

Group XIX, claim(s) 35-36, drawn to a method detecting effectiveness of a skin treatment by detecting the level of CYP2S1;

Group XX, claim(s) 37, drawn to a method of identifying a new skin treatment drug candidate by contacting a drug candidate with CYP2S1;

Group XXI, claim(s) 38, drawn to a method of improving effectiveness of a skin treatment by detecting the level of CYP2S1; and

Group XXII, claim(s) 39, drawn to a method detecting level of CYP2S1.

The Examiner asserts that Groups I-XXII lack a unifying inventive concept because CYP2S1 is the technical feature linking Groups I-XXII, but CYP2S1 was previously disclosed in Rylander (*Biochem Biophys Res Commun.* 2001, 281:529-35).

In view of the present amendment, Invention Groups I, VI-XIX, and XXI are of relevance. Claims 15 and 16 have been amended to depend from claim 35 of Invention Group XIX, thus Applicants respectfully request that claims 15 and 16 be considered with Invention Group XIX.

Applicants provisionally elect claims 15, 16, 35, and 36 (Invention Group XIX) for continued examination, but respectfully traverse the Restriction Requirement.

Each of the pending claims recites detecting or modulating the expression of CYP2S1 in the skin. In contrast, Rylander neither discloses nor suggests the same. Rylander determines the distribution of CYP2S1 mRNA in some human tissues, but not in skin. Thus, the single inventive feature linking all of the pending claims is the expression of CYP2S1 in the skin.

Furthermore, at a minimum, the requirement for restriction should be reduced to 6 Invention Groups as follows for the reasons below.

(1) Invention Groups VI-XIV (claim 32) should be rejoined because claim 32 not only recites the modulation of CYP2S1 expression in skin, but additionally recites administering a composition that modulates CYP2S1 expression in skin. Since Rylander neither discloses nor suggests the expression CYP2S1 in skin, Rylander certainly does not disclose or suggest the administration of a composition to modulate the expression of CYP2S1 in the skin as recited in claim 32. Thus, Invention Groups VI-XIV have the further inventive feature of administering a composition that modulates CYP2S1 expression in the skin.

(2) Invention Groups XV and XVI (claim 33) should be rejoined because claim 33 not only recites the detection of CYP2S1 in the skin, but also recites a method for diagnosing based on the expression level of CYP2S1 in the skin. Since Rylander neither discloses nor suggests the expression of CYP2S1 in the skin, Rylander certainly does not disclose or suggest diagnosing based on the expression level of CYPS2S1 in the skin as recited in claim 33. Thus, Invention Groups XV and XVI have the further inventive feature of diagnosing based on expression level of CYP2S1 in the skin.

(3) Invention Groups XVII and XVIII (claim 34) should be rejoined because claim 34, in addition to reciting the detection of a polymorphism in a CYP2S1 gene or in an upstream control sequence in skin, also sets forth a method for diagnosing based on the detection of the polymorph or upstream control sequence in skin. Since Rylander neither discloses nor suggests the expression of a CYP2S1 polymorph in the skin, Rylander certainly does not disclose or suggest diagnosing based on the detection of a CYPS2S1 polymorph or upstream control sequence in the skin as recited in

claim 34. Thus, Invention Groups XVII and XVIII have the further inventive feature of diagnosing based on the detection of a CYP2S1 polymorph or upstream control sequence in the skin.

Hence, at a minimum for at least the reasons provided above, Applicants request a reduction in the number of Invention Groups to 6 groups: (a) Invention Group I (claim 1), (b) Invention Groups VI-XIV (claim 32), (c) Invention Groups XV-XVI (claim 33), (d) Invention Groups XVII-XVIII (claim 34), (e) Invention Group XIX (claims 15, 16, and 35-36), and (f) Invention Group XXI (claim 38).

Thus for the reasons provided above, Applicants respectfully request withdrawal or, at least a modification, of the Restriction Requirement.

Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered, that the amendment be entered, and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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